

## REMARKS

Claims 1-19 are pending the application; Claims 1-19 stand rejected. By this Amendment, Claim 1 has been amended. These amendments add no new matter to the application.

Claims 2 and 8-19 stand rejected under 35 USC §102e as allegedly anticipated by Ziff; Applicant respectfully traverses these rejections. Applicant maintains its assertion that the Ziff provisional is not an effective 102e reference; however, Ziff did not file even his provisional application (March 24, 1999 file date) before the inventors of the present claims first conceived of the claimed invention and later diligently constructively reduced it to practice by filing their own provisional application on November 10, 1999. Since Applicant's inventors conceived of their invention before Ziff filed his provisional and since they diligently constructively reduced their invention to practice by filing on November 10, 1999, the Ziff reference must be withdrawn as a 102e reference. Claims 2 and 8-19 are therefore believed to be in condition for allowance and reconsideration is requested.

Claims 1 and 3-7 stand rejected under 35 USC §103 as allegedly obvious over Asplen in view of Annand or Ziff; Applicant again respectfully traverses these rejections. Applicant believes that the Examiner has not yet appreciated the distinction between the product evaluation system of Asplen, and the technological innovation management system presently claimed; Applicant has there for amended Claim 1 for clarification by making clear that the claimed system is for technological innovations, not for product planning. Claims 1 and 3-7 all explicitly now require (per present amendments to Claim 1):

A system for automatically summarizing company technological innovations;  
that uses intelligent agents to automatically perform searches on the Internet;  
that the searches find competing or encroaching technological innovations;

and that the system generate reports which list potential competitive strengths or weaknesses of the company technological innovations.

The Examiner has again cited Asplen column 3, lines 1-27 and column 2, lines 9-14 and from these lines continues to create impermissible hindsight reconstructions of the limitations of Claim 1 referred to above. The undersigned has again diligently reviewed the cited references, and in the cited columns and finds no discussion at all of any of particular limitations of Claim 1, as more particularly elucidated below.

Limitation: "A system for automatically summarizing company technological innovations"

Asplen is a reference directed strictly to a product planning system, not an innovation system. It offers no discussion of innovation, innovations, or the need for summarizing company innovations. It only speaks of products, and does not teach any level of required innovation for any such products, or even that any "products" require, or would benefit from, any level of innovation at all, and there are no discussions of summarization. It certainly does not discuss or suggest any automatic summarization. Asplen actually teaches away from all of this by explicitly referring to product development, and especially product development from the point of view of economic feasibility, not innovative merit. Asplen further teaches away from automatic evaluation by expressly disclosing manual, human evaluation. Asplen really only talks about, "the product is evaluated according to predetermined criteria". Col.3, lines 16-17.

Limitation: "uses intelligent agents to automatically perform searches on the Internet"

Asplen does not discuss or suggest use of intelligent agents to perform, and automatically perform at that, searches on the Internet, or any kind of searches at all, for that matter. Asplen specifically teaches that any evaluation (of 'products', not innovations) must be done manually by a human evaluator, not an 'agent' as defined by the specification, and certainly not 'automatically'. The

Examiner's argument here that the passing reference to, "telecommunication lines for internet" (col.2 line 13), is actually a suggestion that searches, automatic searches, and automatic searches by intelligent agent, all be done on the internet, is just not supported by a fair reading of the teachings of Asplen. The cited line simply does not suggest anything about searches, intelligent agents or automatic searching, and is therefore not a proper 103 reference. It is a hindsight combination only.

Limitation: "the searches find competing or encroaching technological innovations"

Asplen contains no discussion at all of searches anywhere that find competing or encroaching ideas. Asplen's one reference to an evaluation criteria, namely "whether it will be competitive" (col.3 lines 14-15), is no suggestion at all of searching anywhere to find any competing or encroaching ideas.

Limitation: "generate reports which list potential competitive strengths or weaknesses of company technological innovations"

Asplen does not teach generation of reports which list potential competitive strengths or weaknesses. Asplen does not teach generation of reports at all as defined in the specification, but only certain manually customized letters to submitters, and then only as to the status of their submission. Asplen does not teach listing potential competitive strengths or weaknesses, either in such letters or anywhere else.

The Examiner continues to refer in her action letter to various disclosures that "correspond to the claimed limitations." Applicant respectfully again submits that 'correspondence' is not a valid criterion for evaluation novelty or non-obviousness under the patent statute. A claim is anticipated or rendered obvious only if every one of its limitations reads directly upon teachings of a reference (102) or reads upon what may be supposed to be the knowledge of a person of

ordinary skill in the art, as elucidated by a particular combination of references. Applicant respectfully submits that the idea that two ideas might correspond is too vague to support a rejection.

Claims 1 and 3-7 are therefore believed not to be rendered obvious by any of the cited references and are believed to be in condition for allowance; reconsideration and allowance are requested.

Applicant believes that it has responded to all of the concerns expressed by the Examiner in the Office Action, and respectfully requests reexamination of all rejected claims and early favorable action on them as well. If the Examiner has any further concerns, Applicant requests a call to Applicant's attorney Patrick Dwyer at (206) 343-7074.

Respectfully submitted,



PATRICK MICHAEL DWYER  
Reg. No. 32,411

P01-OA2.RSP

MINDMATTERS TECHNOLOGIES, INC.  
1818 WESTLAKE AVENUE N, SUITE 114  
SEATTLE, WA 98109